

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE JUBLIA

Civil Action No. 18-13635 (BRM) (LHG)
(CONSOLIDATED)

Civil Action No. 18-15060
Civil Action No. 20-02747

STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), it is hereby stipulated and agreed by and among Plaintiffs Bausch Health US, LLC, Bausch Health Ireland Limited, Bausch Health Americas, Inc., and Kaken Pharmaceutical Co., Ltd. (collectively, “Plaintiffs”), and Defendants Taro Pharmaceuticals U.S.A., Inc., Taro Pharmaceuticals Inc., and Taro Pharmaceutical Industries Ltd., (collectively “Defendants”) (all collectively, “the Parties”), through their undersigned counsel, as follows:

All claims, affirmative defenses, and counterclaims asserted in this action with respect to U.S. Patent Nos. 7,214,506 (the “’506 Patent”), 8,039,494 (the “’494 Patent”), 8,486,978 (the “’978 Patent”), 9,302,009 (the “’009 Patent”), 9,566,272 (the “’272 Patent”), 9,662,394 (the “’394 Patent”), 9,861,698 (the “’698 Patent”), and 9,877,955 (the “’955 Patent”) should be and hereby are dismissed;

All claims, affirmative defenses, and counterclaims asserted in this action with respect to U.S. Patent Nos. 10,512,640 (“the ’640 patent”); 10,342,875 (“the ’875 patent”); and 10,478,601 (“the ’601 patent”) should be and hereby are dismissed;

The dismissal is without prejudice, except that in the event of termination of the Settlement Agreement between the parties concerning this case, either party may seek to re-open the litigation;

Defendants and their Affiliates (as defined in the Parties' Settlement Agreement) are hereby permanently enjoined from making, using, selling, importing or offering for sale the product that is the subject of Abbreviated New Drug Application No. 212211 in the United States except as permissible under the Parties' Settlement Agreement; and

Each party shall bear its own costs, expenses and taxes in connection with this litigation.

IT IS SO ORDERED this 12th day of August, 2020.



Hon. Brian R. Martinotti, U.S.D.J.

Dated: August 11, 2020

s/ William P. Deni, Jr.

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